

1
2
3
4
5
6
7 AFFINITY CREDIT UNION, et al.,
8 Plaintiffs,
9 v.
10
11 APPLE INC.,
12 Defendant.

Case No. [22-cv-04174-JSW](#)

**ORDER REQUIRING ADDITIONAL
BRIEFING ON PLAINTIFFS'
STANDING TO OBJECT TO ABSENT
CLASS MEMBER SUBPOENAS**

Re: Dkt. No. 80

12
13 In their joint letter brief, (Dkt. No. 80), the parties do not engage meaningfully with the
14 question of Plaintiffs' standing to challenge the "Large Issuer" subpoenas. Parties generally lack
15 standing to challenge subpoenas issued to third parties. *Kowalski v. Tesmer*, 543 U.S. 125, 130
16 (2004). The Court has determined that additional briefing on this limited issue is necessary.

17 Each side may submit a brief of up to seven pages in length regarding whether Plaintiffs
18 have standing for their challenge. The briefs shall be filed no later than August 23, 2024. No
19 response or reply briefs will be considered without leave of Court.

20 **IT IS SO ORDERED.**

21 Dated: August 16, 2024

22
23
24
25
26
27
28
JEFFREY S. WHITE
United States District Judge

